

PATENT

Attorney Docket No.: 37921-151292

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Patent application of :
Perry F. Bartlett, et al. :
: International No.
Serial No.: 09/830,319 : PCT/AU99/00931
: I.A. Filing Date:
: 27 October 1999
For: A Method Of Treatment :

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35
U.S.C 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE
(DO/EO/US)**

**RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS FOR
PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR
AMINO ACID SEQUENCE DISCLOSURES**

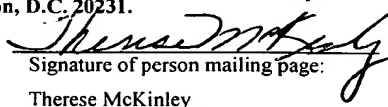
AND

PETITION AND FEE FOR EXTENSION OF TIME (37 CFR 1.136(a))

Commissioner for Patents
BOX PCT
Washington, DC 20231

Dear Sir:

We respectfully submit herewith our response to the Notification Of Missing
Requirements Under 35 U.S.C.371 In The United States Designated/Elected

CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.10 EXPRESS MAIL Mailing Label Number: EL 813776333 US Date of Deposit: September 14, 2001 I hereby certify that this correspondence, along with any paper referred to as being attached or enclosed, and/or fee, is being deposited with the United States Postal Service, "EXPRESS MAIL-POST OFFICE TO ADDRESSEE" service under 37 C.F.R. 1.10, on the date indicated above, and addressed to: Commissioner for Patents, Washington, D.C. 20231.  Signature of person mailing page: Therese McKinley Type or print name of person

Office (DO/EO/US) ("*Notification*"), mailed from the U.S. Patent and Trademark Office on May 16, 2001 and Notice To Comply With Requirements For Patent Applications containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures.

The following papers are submitted herewith:

1. A Declaration and Power of Attorney executed by inventors, Perry F. Bartlett, Lynne Hartley, Mark Pouzzotto, Trevor Kilpatrick, Frank Kontgen, Jason Coonan, Ursula Greferath, Andrew W. Boyd, Mirella Dottori, Mary P. Galea, George Paxinos, and Mark Murphy.

2. A computer readable form (CFR) copy of the Sequence Listing

3. Statement Pursuant to 37 CFR 1.821(f).

4. Petition for Extension Of Time Under 37 CFR 1.136(a) (Small Entity) for a total amount of two months to respond to the *Notification*, mailed May 16, 2001, which is filed herewith. A check in the amount of \$195.00 is enclosed for extension fee due.

5. A copy of Form PCT/DO/EO/905.

If an additional extension of time is required, please consider this a petition therefor. Please charge any fee deficiency required by this paper or credit any amount paid in excess to Account No. 50-0573.

This paper is submitted in duplicate.

Respectfully submitted

PERRY F. BARTLETT, et al.

BY 

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Registration No. 30,480

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UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT
United States Patent and Trademark Office
Washington, D.C. 20231
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U.S. APPLICATION NO.	09/830319	ATTY. DOCKET NO.	P 37921-151292
DRINKER, BIDDLE & REATH ONE LOGAN SQUARE 18TH AND CHERRY STREETS PHILADELPHIA, PA 19103 6996		INTERNATIONAL APPLICATION NO. PCT/AU99/00931	
MAY 23 2001		I.A. FILING DATE	PRIORITY DATE
DRINKER, BIDDLE & REATH, LLP		27 OCT 99	27 OCT 98

DATE MAILED:

16 MAY 2001

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as ☐ a Designated Office (37 CFR 1.494) ☒ an Elected Office (37 CFR 1.495):

- | | |
|--|---|
| <input checked="" type="checkbox"/> U.S. Basic National Fee. | <input checked="" type="checkbox"/> Indication of Small Entity Status. |
| <input checked="" type="checkbox"/> Copy of the international application. | <input type="checkbox"/> Translation of the international application into English. |
| <input checked="" type="checkbox"/> Oath or Declaration of inventors(s). | <input type="checkbox"/> Translation of Article 19 amendments into English. |
| <input type="checkbox"/> Copy of Article 19 amendments. | <input checked="" type="checkbox"/> Other: Preliminary Amendment; IB 306, 308; IDS. |
| <input checked="" type="checkbox"/> Priority Document. | |
| <input checked="" type="checkbox"/> The International Preliminary Examination Report in English and its Annexes, if any. | |
| <input type="checkbox"/> Translation of Annexes to the International Preliminary Examination Report into English. | |

2. ☐ Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.

- | | |
|---|---|
| <input type="checkbox"/> U.S. Basic National Fee. | <input type="checkbox"/> Copy of the international application. |
|---|---|

3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- | |
|--|
| <input type="checkbox"/> a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date. |
| <input type="checkbox"/> The current translation is defective for the reasons indicated on the attached Notice of Defective Translation. |
| <input type="checkbox"/> b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)). |
| <input checked="" type="checkbox"/> c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date. |
| <input checked="" type="checkbox"/> The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917. |
| <input type="checkbox"/> d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)). |

4. Additional claim fees of \$ _____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

5. ☒ Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.

ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

6. If box 3a or 3c is checked, a translation of the Annexes **MUST** be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.
7. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response.

- Enclosed: ☒ PCT/DO/EO/917 ☐ Notice of Defective Translation
☐ PTO-875 ☒ PCT/DO/EO/920

FORM PCT/DO/EO/905 (March 2001)

Francine Young
Telephone: 703-305-3662



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
ACTING AS THE RECEIVING OFFICE

In re application of:
Perry F. Bartlett et al.

Application Serial No.: 09/830,319

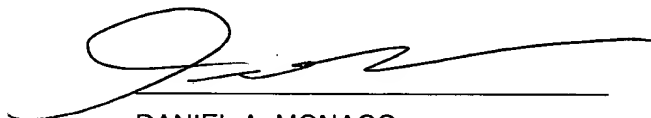
International Filing Date: 27 October 1999

For: A Method Of Treatment

STATEMENT PURSUANT TO 37 CFR § 1.821(f)

The information recorded in the computer readable form of the Sequence Listing is identical to the information in the written Sequence Listing as filed.

Dated: September 14, 2001



DANIEL A. MONACO

USPTO Registration No. 30,480

* * *
CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.10

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Date of Deposit: **September 14, 2001**

I hereby certify that this paper and/or fee is being deposited with the United States Postal Service, "EXPRESS MAIL - POST OFFICE TO ADDRESSEE" service under 37 C.F.R. 1.10, on the date indicated above, and is addressed to the Commissioner of Patents, Box PCT, Washington, D.C., 20231.

Therese McKinley

(Type or print name of person mailing paper.)



(Signature of person mailing paper)